

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**BARRY G. AARON,
ADC #97176**

PLAINTIFF

v.

Case No. 5:13-cv-00139-KGB-JTK

RAY HOBBS, *et al.*

DEFENDANTS

ORDER

The Court has reviewed the Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney (Dkt. No. 50) and the objections filed by plaintiff Barry G. Aaron (Dkt. Nos. 51, 52). After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommendations should be, and hereby are, adopted in their entirety.


Judge Kearney found that Mr. Aaron, by explaining that defendant Dr. Sonya Pepper Davis examined him on October 14, 2013, and referred him for an appointment with an outside cardiologist, admitted to being treated for his medical condition (Dkt. No. 50, at 3; *see* Dkt. No. 46, at 12). In his objection to the Proposed Findings and Recommendations, Mr. Aaron now claims that Dr. Davis never made this appointment (Dkt. No. 52, at 5). Instead, Mr. Aaron claims that the appointment with the outside cardiologist was not scheduled until November 6, 2013, by defendant Dr. Jacqueline Carswell, who at the same time also scheduled Mr. Aaron “to see someone about the continued pain [he] is suffering from” (*Id.*). Mr. Aaron claims that this shows that Dr. Davis deliberately delayed needed medical care.

However, taking as true Mr. Aaron’s claim that Dr. Davis failed to schedule the appointment, there is nothing but Mr. Aaron’s conclusory allegations to suggest it was anything other than oversight. Moreover, the new information regarding Dr. Carswell confirms that

defendants continue to examine and treat Mr. Aaron, even Mr. Aaron disagrees with the type of treatment he is receiving.

IT IS THEREFORE ORDERED that Mr. Aaron's motion for preliminary injunction (Dkt. No. 46) is denied.

SO ORDERED this the 12th day of February, 2014.



KRISTINE G. BAKER
UNITED STATES DISTRICT JUDGE